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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,790	12/21/2000	Hirotaka Yamaji	NEC2090-US	6402

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[REDACTED] EXAMINER

NOLAN, DANIEL A

ART UNIT	PAPER NUMBER
2655	8

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/740,790	YAMAJI, HIROTAKA	
<b>Examiner</b>	<b>Art Unit</b>		
Daniel A. Nolan	2655		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 May 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Response to Amendment***

2. The response filed on 20 May 2003 was applied to the following effect:
  - The specification was changed as indicated.
  - The claims were changed as indicated.

***Information Disclosure Statement***

3. English translations have been obtained for all of the original IDS submissions and either signed on the original Information Disclosure Statements or included with the PTO-892.

***Response to Arguments***

4. Applicant's arguments filed 20 May 2003 have been fully considered and are somewhat persuasive, in that the Examiner is in agreement with the position that the

*identification signal of Sako et al* does not convey a compression method and so does not read fully on the features of the claims, and those rejections are withdrawn.

- The examination of the claims on the merit is revisited.
- However, regarding the matter of references to the drawings being in the Abstract, in addition to the concerns that the drawings might change during prosecution, the MPEP does establish guidelines for the Abstract being in compliance with 37 CFR 1.72, which reads in part:

"The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure."

Because the figures require reference to the detail, requiring such reference to the detail of the disclosure is neither quick nor cursory and therefore is contrary to this provision, so the objection is maintained.

### ***Specification***

5. The abstract of the disclosure is objected to because:
  - It should not reference drawings. Such references may not persist through prosecution to the title page.
  - The length exceeds 150 characters. Note that removing the drawing references (previously cited) will resolve this issue.

Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Ozawa et al, Sako et al & Dwyer et al**

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al (Japan Patent 09-265731) in view of Sako et al (European Patent 0 762 417 A2) and further in view of Dwyer et al (U.S. Patent 6,571,211).

8. Regarding claim 1, the *Speech Reproducing Device And Its Method, Speech Recording Device And Its Method, Speech Recording And Reproducing System, Speech Data Transfer Method, Information Receiving Device, And Reproducing Device* of Ozawa et al reads on the features of the *audio playback/recording apparatus* of the immediate application as follows:

- Ozawa et al (section [0048]) reads on the feature of *an audio input processing section, which receives analog audio data (line 1) and converts analog audio data to digital audio data (line 4);*
- Ozawa et al (section [0055]) reads on the feature of *a playback/recording processing section*
- Ozawa et al (section [0043]) reads on the feature of *a compression section (line 3) which compresses digital audio data output from audio input processing section and stores compressed digital audio data (section [0023] last line)*
- Where Ozawa et al disclose decompression (as "elongating" in section [0017]), he mentions only the compressed input being of "*predetermined format*" and does not detail either format or means by which they are determined.

Sako et al (3 in figure 4) reads on the feature of storing *attribution data into a RAM* (page 11 line 29), and (in 202 & 306 of figures 11 & 12), Sako et al further reads on the feature of *an expansion section, which decompresses compressed digital audio data stored in RAM.*

Where the attribution data of Sako does not indicate the type of coding method used, the voice header data record of Dwyer et al does (with 112 in figure 5) read on the feature of *indicating a type of a compression of compressed digital audio data* which would control subsequent processing (column 9 lines 37-43) *based on attribution data indicating a type of a compression of compressed digital audio data stored in RAM.*

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Sako et al and Dwyer et al to the device/method of Ozawa et al so as to match the methods used to decode and decode the signal.

- Ozawa et al (section [0013] lines 4-5) reads on the feature of *an audio output processing section, which receives decompressed digital audio data output from playback-recording processing section,*
- Ozawa et al (section [0013] lines 6-7) reads on the feature of *converts decompressed digital audio data to analog audio data, and*
- Ozawa et al (17 in drawing 5) reads on the feature of *outputs analog audio data to an output apparatus;*
- Ozawa et al (section [0017] lines 1-5) reads on the feature of *an external recording circuit section,*
- Ozawa et al (section [0046] line 6) reads on the feature of *which records compressed digital audio data stored in RAM into an external recording medium, and*
- Ozawa et al (section [0055] lines 8-9) reads on the feature of *reads out compressed digital audio data from external recording medium, and*
- Ozawa et al (section [0016] lines 1-3) reads on the feature of *stores readout data into RAM.*

9. Regarding claim 2, the claim is set forth with the same limits as claim 1. Ozawa et al (0044 lines 3-6) teaches the feature of *comprising a general-purpose interface circuit section, which* (section [0043 line 3]) *transfers digital audio data to an external apparatus connected thereto from external recording medium* (section [0055] lines 8-9).

Where Ozawa et al does not mention *attribution data* Sako et al does (with 3 in figure 4) and, where the *attribution data* of Sako does not *indicate compression type*, Dwyer et al (112 in figure 5) reads on the feature of *indicating a type of a compression of digital audio data*. Osaka (with 22 in figure 4) reads on the feature that *receives digital audio data from external apparatus and transfers digital audio data and attribution data* that, with Dwyer et al (column 9 lines 37-43) *indicating a type of a compression of compressed digital audio data to external recording medium*.

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Sako et al and Dwyer et al to the device/method of Ozawa et al so as to insure that decoding takes place with full knowledge of the compression method.

10. Regarding claim 3, the claim is set forth with the same limits as claim 2. Ozawa et al acknowledges copyright protection (section [0033], last line) only from the aspect of recording access from a source for royalty purposes and not as a protected coding method. Sako et al (page 11 line 29) reads on the feature of *a protection processing section for performing protection processing of digital audio data*, which would have made it obvious to a person of ordinary skill in the art of speech signal

processing at the time of the invention to apply the method/teachings of Sako et al to the device/method of Ozawa et al so as to avoid illegitimate access.

**Ozawa et al, Sako et al, Dwyer et al & Milsted et al**

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al in view of Sako et al and further in view of Milsted et al (U.S. Patent 6,263,313).

12. Regarding claim 4, the claim is set forth with the same limits as claim 3. Neither Sako et al, Dwyer et al nor Ozawa et al specify in detail the mechanism of protecting intellectual property.

- Milsted et al (301 & 303 in figure 3) reads on the feature of *an encryption section which encrypts digital audio data and of a decryption section which decrypts encrypted digital audio data,*
- Milsted et al (306 in figure 3) reads on the feature of *an authorization data generation section, which generates authorization data (307A in figure 3) sent to external apparatus (307B in figure 3) connected to general-purpose interface circuit section (represented as 146 (E) of figure 1C)*
- Milsted et al (183 in figure 1C) reads on the feature of *an authorization data verification section, which verifies authorization data sent from external apparatus connected to general-purpose interface circuit section (represented as 142 (D) of figure 1C).*

- It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Milsted et al to the device/method of Ozawa et al, so as to permit legitimate users access to the materials.

13. Regarding claim 5, the claim is set forth with the same limits as claim 3. Neither Sako et al, Dwyer et al nor Ozawa et al specify in detail the mechanism of protecting intellectual property.

- Milsted et al (301 & 303 in figure 3) reads on the feature of *an encryption section which encrypts digital audio data*,
- Milsted et al (301 & 303 in figure 3) reads on the feature of *a decryption section which decrypts encrypted digital audio data*,
- Milsted et al (301 & 303 in figure 3) reads on the feature of *an authorization data writing section which writes authorization data into digital audio data transferred to external apparatus* (307B in figure 3) *connected to general-purpose interface circuit section* (represented as 146 (E) of figure 1C).
- Milsted et al (column 83 lines 56-59) reads on the feature of *an authorization data extraction section* (function/operation performed by Secure Container processing) *which extracts authorization data from digital audio data received from external apparatus connected to general-purpose interface circuit section* (represented as 142 (D) of figure 1C).

- It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Milsted et al to the device/method of Ozawa et al so as to avoid the authorization keys from appearing as noise on playback.

**Ozawa et al, Sako et al, Dwyer et al, Milsted et al & Van Wie et al**

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al in view of Sako et al and further in view of Dwyer et al and further in view of Milsted et al and further in view of Van Wie et al (U.S. Patent 6,240,185).

15. Regarding claim 6, the claim is set forth with the same limits as claim 1. While Ozawa et al discloses *headers* (section [0035]) holding administration data, they do not specifically mention that such information would include *authorization*.

Van Wie et al (column 17 lines 18-19) reads on the feature that the *authorization data writing section writes authorization data within a header information section of digital audio data* which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Van Wie et al to the device/method of Ozawa et al so as to avoid having the non-acoustic authorization and other protocols interfere with the payload signal.

### **Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fiedler et al (U.S. Patent 6,446,037) scalable coding method placing the coding mode in the header record (column 22 lines 15-23).

17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at (703) 305-4827.

The fax phone number for Technology Center 2600 is (703) 872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal communications as "EXPEDITED PROCEDURE".

Formal response to this action may be faxed according to the above instructions,  
or mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or hand-delivered to: Crystal Park 2,  
2121 Crystal Drive, Arlington, VA,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan  
Examiner  
Art Unit 2655

DAN/d

June 3, 2003

  
DORIS H. TO 6/14/03  
SUPERVISORY PATENT EXAMINER  
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